REMARKS

Claims 1-59 are pending in the present application.

In the above amendments, claims 25, 38, 49, and 51-59 have been amended. The amendment to claim 25 will be discussed below, and the amendments to claims 38, 49, and 51-59 were made to correct for minor informalities in each claim. Therefore, after entry of the above amendments, claims 1-59 will be pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

Claim Rejections - 35 U.S.C. §112

Claims 25 is rejected under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

It is respectfully submitted that claim 25, as amended, fully complies with this section of the statute.

Claim Rejections - 35 U.S.C. §102

Claims 1-2, 10-16, 18-21, 26-33, 35-38, 43-49 and 55-59 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0050008 to Patterson et al. (hereinafter "Patterson").

With respect to each of independent claims 1, 21, 38, and 49, it is respectfully submitted that Patterson does not teach nor suggest certain claimed features and therefore, the 102 rejections should be withdrawn.

In particular, with respect to independent claims 1, 21, and 49, Patterson does not teach nor suggest the claimed feature of "adjusting a data rate <u>for a message</u> sent from the terminal through the return link based on the change in the return link signal quality" (emphasis added). Similarly, Patterson does not teach nor suggest the claimed feature of "a data rate generator to adjust a data rate <u>for a message</u> sent from the terminal through the return link based on the change in the return link signal quality" (emphasis added) as claimed in independent claim 38.

In contrast, Patterson discloses that maintaining link availability as high as possible may be important in certain applications and that "This can be accomplished by changing to more

robust waveforms at low bit rates when link conditions degrade" (see paragraph no. 0101). However, Patterson, in this portion of the disclosure nor in the other portions of the disclosure identified in the Office Action, does not explicitly teach "adjusting a data rate for a message sent from the terminal through the return link based on the change in the return link signal quality" (emphasis added) as set forth in independent claims 1, 21, and 49 and similarly claimed in independent claim 38.

Therefore, it is respectfully submitted that Patterson does not teach each and every limitation of each of the independent claims within the meaning of 35 USC 102 and therefore, these rejections should be withdrawn. If the Examiner maintains the rejections in the next office communication, it is respectfully requested that the Examiner identify specific portions of the Patterson disclosure which teaches the above identified claimed feature.

It is respectfully submitted that dependent claims 2, 10-16, 18-20, 26-33, 35-37, 43-48, and 55-59 are allowable at least for the reasons given above in view of their dependency from their respective independent claims.

Furthermore, with respect to dependent claims 15, 32, 45, and 57, Patterson does not teach the claimed features of "a messaging time slot among a plurality of time slots in each of a series of time frames" within the claimed context of a "return link" nor the claimed features of "suspending the message if a current messaging time slot in a current time frame expires before the message is complete; and resuming the message in a subsequent messaging time slot in a subsequent time frame" as claimed. The Examiner alleges that these claimed features are taught in section or paragraph no. 0100 of Patterson and further alleges that "in typical TDMA systems data is often suspended at the end of a time slot to be resumed in a time slot in a later time frame." Paragraph no. 0100 simply does not teach such claimed features nor has the Examiner provided any evidence that in typical TDMA systems "data is often suspended at the end of a time slot to be resumed in a time slot in a later time frame." Assuming arguendo that typical TDMA systems operate as alleged by the Examiner, it is respectfully submitted that each of dependent claims 15, 32, 45, and 57, requires that a "message" is suspended and resumed as claimed and not "data" in general. Therefore, the 102 rejections of claims 15, 32, 45, and 57 should be withdrawn for these additional reasons.

With respect to dependent claims 16, 33, and 58, Patterson does not teach the claimed features of "resuming the message comprises resuming the message at a beginning of the

subsequent messaging time slot in the subsequent time frame" as claimed. The Examiner alleges that these claimed features are taught in section or paragraph no. 0100 of Patterson and further alleges that "in typical TDMA systems data is often suspended at the end of a time slot to be resumed in a time slot in a later time frame." Paragraph no. 0100 simply does not teach such claimed features nor has the Examiner provided any evidence that in typical TDMA systems "data is often suspended at the end of a time slot to be resumed in a time slot in a later time frame." Assuming arguendo that typical TDMA systems operate as alleged by the Examiner, it is respectfully submitted that each of dependent claims 16, 33, and 58, requires that a "message" is resumed at a beginning of the subsequent messaging time slot in the subsequent time frame and not "data" in general. Therefore, the 102 rejections of claims 16, 33, and 58 should be withdrawn for these additional reasons.

With respect to dependent claims 18, 35, 46, and 59, Patterson does not teach the claimed features of "a messaging time slot among a plurality of time slots in each of a series of time frames" within the context of a "return link" nor the claimed features of "determining that the message will span more than a particular number of durations of the messaging time slot; and transmitting the message beyond an end of a messaging time slot in a particular frame until the message is complete " as claimed. The Examiner alleges that these claimed features are taught in section or paragraph no. 0100 of Patterson and further alleges that "in typical TDMA systems data is often suspended ... time slot." Paragraph no. 0100 simply does not teach such claimed features nor has the Examiner provided any evidence that in typical TDMA systems "data is often suspended ... time slot." Assuming arguendo that typical TDMA systems operate as alleged by the Examiner, it is respectfully submitted that each of dependent claims 18, 35, 46, and 59, requires that a "message" is determined and transmitted as claimed and not "data" in general. Therefore, the 102 rejections of claims 18, 35, 46, and 59 should be withdrawn for these additional reasons.

With respect to dependent claims 19, 36 and 47, Patterson does not teach the claimed features of "comparing a duration of the message at the current data rate to a length threshold, said length threshold comprising the particular number of durations" as claimed. The Examiner alleges that these claimed features are taught in section or paragraph no. 0100 of Patterson and further alleges that "in typical TDMA systems data is often suspended ... to a threshold." Paragraph no. 0100 simply does not teach such claimed features nor has the Examiner provided

any evidence that in typical TDMA systems "data is often suspended ... to a threshold." Assuming arguendo that typical TDMA systems operate as alleged by the Examiner, it is respectfully submitted that each of dependent claims 19, 36 and 47, requires that a duration of a "message" is compared to a length threshold and not "data" in general. Therefore, the 102 rejections of claims 19, 36, and 47 should be withdrawn for these additional reasons.

With respect to dependent claims 20, 37, and 48, Patterson does not teach the claimed features of "comparing a current data-rate-to-bandwidth ratio for the message to a threshold data-rate-to-bandwidth ratio" as claimed. The Examiner alleges that these claimed features are taught in section or paragraph nos. 0100 – 0101, 0103 of Patterson and further alleges that "the carrier will be modulated ... length threshold." Paragraph no. 0100 – 0101, 0103 simply do not teach such claimed features nor is there a reasonable basis in those identified paragraph numbers for the assertion made by the Examiner that "in order to determine that the transmissions is to be resumed ... length threshold." Therefore, the 102 rejections of claims 20, 37, and 48 should be withdrawn for these additional reasons.

Claim Rejections - 35 U.S.C. §103

Claims 3-9, 22-25, 39-42 and 50-54 are rejected under 35 U.S.C. §103(a) as being unpatentable over Patterson, in view of U.S. Patent No. 6,925,113 issued to Kim et al. (hereinafter "Kim").

Claims 17 and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Patterson, in view of U.S. Patent No. 6,198,730 issued to Hogberg et al. (hereinafter "Hogberg").

It is respectfully submitted that dependent claims 3-9, 22-25, 39-42, 50-54, 17, and 34 are allowable at least for the reasons given above in view of their dependency from their respective independent claims.
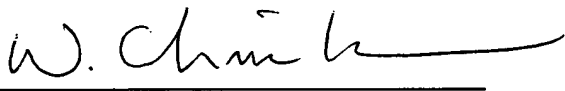
CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: <u>September 14, 2006</u>   By: _____

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17